

Somerset Herald.

SOMERSET, PA., FRIDAY, MAY 31, 1889.

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HEADQUARTERS AT HERR BROTHERS.

FOR ALL KINDS OF
Watches, Clocks, Jewelry, Spectacles, &c.
We merit the attention of the public, and especially all attending Court this and next week,
as we have the most complete stock of Watches of every description to be found in Somerset. To
assure of this fact is to call and see for yourself. We shall give this
LOWEST CASH PRICES
and make it profitable to everyone wishing to purchase anything in our
stock of repair work neatly and promptly done in the most workmanlike manner, and
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MAKES FINE SHOES Of All Latest Styles, Flexible Hand-turned,
Hand-Welt, &c., &c.

L. DOUGLASS'

WE respectfully call attention to the fact that we constantly keep in stock a
large line of the most reasonable and most serviceable goods, of the latest
styles in the trade, and we always invite comparison of our prices with those
of other dealers. CALL AND SEE US.

FERNER BROTHERS, Somerset, Penn'a.

Prohibition Meeting.

Col. W. D. Moore, of Pittsburg, and
Hon. John H. Jordan, of Bedford
Make Eloquent Pleas.

STIRRING ADDRESSES THAT WERE MOST
HEARTILY CHEERED.

The Amendment people gathered again in
full force at the Court House on Wednesday
evening. The announcement that John Jordan,
Esq., a member of the Bedford county
bar, and Col. W. D. Moore, one of the lead-
ing legal celebrities of the Pittsburgh bar,
would address the meeting, caused many of
our citizens, and nearly all visitors, to wend
their way to the Court House. Both
speakers being well known throughout the
State, there was a very general desire to hear
them, independent of the subjects they were
to discuss.

The meeting was called to order by the
Chairman of the Prohibition County Com-
mittee, ex-Associate Judge, Samuel Snyder,
after which a selected choir rendered in good
style an appropriate anthem, and the meet-
ing was duly opened with a prayer by Rev.
F. Saylor, of Johnstown, and formally or-
ganized by the election of the following
officers:

President, N. B. Critchfield, who said he
felt honored in assuming the duties of the
office.

Vice Presidents—Peter Hoffman, Josiah
Kinzel, David Mitchell, J. A. Sunk, Josiah
Shaver, Captain Albert Hefley, L. D. Sine,
Wm. Berkey, Jua. Endsley, W. T. Hol-
dren, Peter Auman, L. H. Kutchour.

Secretaries—H. M. Berkey, W. H. Carr,
Augustus Hefley.

Col. W. D. Moore was introduced and
said: "If we received intelligence that in a
distant country there was a destitute pen-
sioner, we should devote some portion of our
time and of our means to relieve it. If
within their own power to save themselves
and they make no effort, we should then
strive more eagerly to help them. If de-
stroying mind and body, carrying thousands
down to miserable graves, abrogating all
marital vows, beggaring families, &c., we
would say, 'O God, help us to help them.'
If to the number of 400,000, we should fly
to their rescue.

We have such a pestilence in the question
of the liquor traffic, and now we are called
on by the action of the legislature to save
the thousands who are under the thrall of
intemperance. The duty was urged on
the ground of humane obligations, and as a
good citizen of society. Some say that all
who oppose are bad, but many oppose the
amendment who are as intellectual, as hon-
orable, as moral, and as religious as we are.
We should not assume all the goodness in the
world. His arguments were:

First. Answering the objection, based on
personal liberty. No right to restrain lib-
erty to use your tongue. No right to burn your
own home. No right to wear certain clothing,
as we can't wear Grand Army clothes. No
right to use opium. Have no right to buy or
sell liquor; only permitted—that is, licensed
to do it. Even licensees say you shall not
sell to minors, to intoxicated persons, nor on
Sunday. The judge has the right to prohib-
it, and there is no appeal. A community
has the right to limit appetites, if injury
grows out of them. Legal liberty is right,
all other liberty barbarous.

Second. Prohibition don't prohibit. Fool-
ish answers given, but from all I appeal to
Neal Dow's opinion. In Maine you can get
liquor, but in a way no honorable man
would get it; get it in speak-easies. What
are they? Places where you speak through a
tin pipe and order some vile stuff called
whiskey.

Kansas gives her testimony in favor of
prohibition; Senator Wilson, of Iowa, says
it prohibits. Forty-nine replies from judges
in that state say so, and from three opposite
opinions are given, and from nine reserved
answers. The real answer is, not that prob-
hibition prohibits absolutely; it don't prob-
hibit profanity, gambling, murder. The
doctors don't save all men; 1800 years of
trial has not made it a universal success. It
is a poor idea to say that because we can't
destroy the evil, we ought not to do anything
against it.

Think of the Saviour in a saloon; and yet
93 ministers in the church, of which I was a
member, and minister voted in favor of
whiskey. It is horrible to think of. It is
just as it was in the days of slavery—min-
isters advocated it.

He drew a vivid description of the fearful
evil of intemperance, and made it the basis
of appeals for votes in favor of the amend-
ment. The example of the Saviour was then
referred to in combating evil. Like Him,
we should favor laws to suppress evil; make
laws that shall be a terror to evil doers. For
the first time praise from saloonists and
whiskey men are heard for Jesus. How in-
finitely absurd. Conclusions:

First. You and I are children of the same
father; live in a good, lovely world; if our
lives are right, we have no right to set a bad
example. We are each "our brothers keep-
er." It was a murderer that asked the in-
famous question. Out from each of us go
influences that will affect others for good or
bad.

2. Reflection: We are marching to the
Judgment Seat of God, and must answer for
our votes on June 15th. He then closed
with a sermon-like appeal.

Hon. John H. Jordan, of the Bedford bar,
was then introduced to the audience.

Mr. Jordan's first point, and one he was
anxious that his audience should under-

stand, and appreciate, was that the question
was non-partisan; that in its consideration
all party feeling should be pushed aside and
the question looked at only in its moral and
economic standpoint. He said that he sup-
ported the amendment as a citizen, but main-
tained his obligation to and his love for his
party, and was as ready to do battle for its
political principles in the future as he had in
the past; that the moral influences of the
home were and should be all sufficient as
long as the child was under parental control,
but that when the young boy goes out into
life and comes into contact with new asso-
ciates he is liable to drift to the bar room;
if the amendment is carried the temptations
held out by the saloons would be removed
from his path. The real question is this:
"Is the liquor traffic right or wrong?" If
right make it general. If wrong remove it.
A voter should act honestly and conscien-
tiously. A father's vote speaks louder than
his words. He may talk morality to his
child but if he votes against the Amendment
he contradicts his words and his child is
not slow to observe it and will always re-
member it. The sale of liquor is an injury
to men and communities. A man who spends
30 cents per day for drink lays out \$90 per
year; 50 cents per day means \$150 per year
wasted. If saved, at the end of 10 years the
saving would buy a home for wife and
children. Prohibition benefits in a business
way. It has done so in Kansas and Iowa.
Remove the liquor traffic and you reduce
taxes. In 1888 Dauphin County, got \$16,714-
25 from licenses and paid out \$31,000.00 for
costs in criminal court expenses that were
chargeable to the liquor traffic. Hunting-
don County, has had no license since 1853.
It saves in the expenses of criminal court
over \$6,000 per year; last year Bedford County
got \$350 from the license fund and put out
over \$6,000 for criminal court expenses
chargeable directly to the liquor traffic.
Somerset County last year got \$50.25 from the
liquor fund and the cases tried in your
court chargeable to liquor cost the county
over \$1,000. Remove the liquor traffic and
you save to taxpayers these enormous sums.
Vote down this Amendment and you keep
up this great waste which must be met by
taxes on your farms and homes. On which
side do your interests lie?

No one not in the court house could pos-
sibly conceive of the intense interest taken
in the examination of witnesses in the case
against Lewis, Tasker, Sullivan, &c. Not
only is every available inch of sitting and
standing room occupied, but men seek points
of observation by hanging on to railings,
window sills, and by mounting upon coal
boxes and clinging to the stoves. Hundreds
of others seek entrance, but find no means
of ingress.

On the right from the bar, and the fur-
thest point from the witness' chair, the
people in order to catch every word stood up
for hours, not once leaving his place during
the five hours' proceedings. Hot, weary and
perspiring as they were they endured it all,
lest they should miss a word uttered by
witnesses or counsel. On no occasion, in no
place and under no circumstances, did the
writer ever witness people endure the dis-
comforts of standing for hours and of being
crowded into the smallest possible space,
with so much quiet patience, heroic fortitude
and with such unflagging interest.
When the stolen hams were being identified
by the witness who butchered them every
farmer tried to get a glimpse at them; and
it was so when the sugar cakes were being
identified by witnesses.

The intense and general interest manifested
was not confined to any particular class of
persons—not to immediate friends of the
victims of the robbers merely, nor to the
provincial attendants upon court, but to
farmers, mechanics, physicians, lawyers,
newspaper men from here and distant
points.

The celebrity of the prisoners, their notori-
ety as the daring McClellandtown desper-
adoes, who had baffled all attempts at arrest
by Fayette county officials, and their almost
unheard of cruelty and barbarous treatment
of the venerable Christian Yoder, account
in part for the deep interest taken in the
progress of the trial. Up to adjournment
there was no sign of abatement in the inter-
est of all spectators.

People who stay at home and read
the HERALD, know as much, if not more
in regard to the doings of the court, as
do those who came to town to hear for
themselves. The rush for the court room
has been so great that not nearly all the
people can be seated; many of the wit-
nesses talk in such a low tone that they
are not heard in many parts of the room;
the HERALD reporter's ear, glued to the
judicial telephone, catches every word as
it is spoken and I lay it before our read-
ers, who are thus kept posted and at the
same time are saved the annoyance of
the crowd and the heated, stifling, foul air
of the court room.

MURDER!!

In murder trials it is most important to
know the exact time at which the crime oc-
curred. To the unfortunate criminal time
may be life. In all cases time is money and
money can be saved by buying time-pieces
at Neff & Cassebeer, who carry a large as-
ortment of the Finest Grades of Watches
and Clocks, Jewelry and Silverware, Eye-
glasses and Spectacles.

We also do engraving of all kinds. Goods
purchased from us will be engraved free of
charge.

On Trial for His Life!

David and Joseph Nicely Ar-
raigned for the Murder of
Herman Umberger.

They Plead "Not Guilty"
and Demand Sepa-
rate Trials.

The Commonwealth Elect to
Try David Nicely First!

SELECTING A JURY.

Thomas, Anderson, Dean and
Hill Discharged.

The Sullivans Act on "Tony" Weller's
Advice to His Son and Attempt
an "Alibi."

Lewis and Tasker Make a Lame
Defense.

FULL TEXT OF JUDGE BAER'S ADMIRABLE CHARGE.

HERMAN UMBERGER.



THE MURDERED MAN.

At the opening of the Court yesterday
morning a motion for a new trial in the
case of Clark H. Benford convicted of violat-
ing the liquor laws was presented by Mr.
Benford's counsel. The new trial was asked
for on the ground that the verdict was against
both the law and the evidence in the case.
The motion was filed and will be argued and
decided hereafter.

The Court announced that night sessions
would be held during the remainder of the
week.

The grand jury ignored the bills in the
cases of L. A. Morrison and S. J. Ringer, and
placed the costs on the prosecutors. These
were cross cases in which each prosecutor
charged the other with having sold liquor
without license.

True bills were found against Rev. Amos
Self, formerly pastor in charge of a church
at Stoyestown, on indictments charging rape,
adultery and fornication and bastardy. Miss
Susan Custer makes the information in all
the cases.

In the case of Wm. H. Bayman, charged
with embezzlement, the grand jury ignored
the bill and decided that the prosecutor,
Charles Eicher, must pay the costs.

A true bill, on the charge of assault and
battery with intent to kill, was returned by
the grand jury against C. J. Lewis, Jackson
P. Sullivan, Marshall Sullivan and Decatur
Tasker.

The grand jury thought that there was
not evidence enough on which to find a true
bill in the case of the Commonwealth against
Burton Harrison, charged with rape, and
therefore ignored it.

The case of Commonwealth vs. C. J. Lewis,
et al., was then resumed.

Joseph Paul—I live in Fayette county
about two miles and a half from Union-
town; and about half a mile from John
Dinsmore; I am a miner and am not re-
lated to any of these parties; I am not ac-
quainted with John Dinsmore; I know
Jack and Marshall Sullivan; I seen them at
John Dinsmore's house on the evening of
the 13th of April last; I came out with Peter
Gooseman; it was Dinsmore's wife's birth-
day and I went out with them and found
the Sullivans there; I stayed till something
after midnight.

Cross-examined—Dinsmore asked me to go
out; I know the date by the account I read
in the paper; the paper came out on the
13th; it is a daily paper; I have known the

Sullivans a good while; I live close to the
Beason's Works and close to Cool Spring
Hollow.

Mr. Koontz here asked the witness if
Cool Spring Hollow was not the rendezvous
of the McClellandtown gang for quite a
while before they changed to Markleysburg;
the question was strenuously objected to but
the witness was directed to answer.

I wasn't part of the McClellandtown gang;
I don't know that Cool Spring Hollow was
their headquarters; I heard of them, but can't
remember who they were said to be; think
this same party was blamed; I wasn't inti-
mate with them; I am acquainted, that's all;
I didn't go on a spree with them; I didn't
know they were there till I went; we were
not very drunk; Jack Sullivan, Marshall
Sullivan, John Dinsmore, Hen. Sullivan and
Mr. Gooseman was there; Gooseman was
not blamed with being a member of the
gang; I don't think Gooseman and Hen.
Sullivan were blamed.

Re-direct—I know Tasker; know nothing
about his whereabouts on the 13th of April.

P. W. Gooseman—I live near Beason's
Works, Fayette county, about two miles
from Uniontown; know Jack and Marshall
Sullivan; on Saturday the 13th of April
Dinsmore came past and I went with him
to Uniontown; he asked me to come home
with him; said they would have a little
party as it was his wife's birthday; we
started about 5 o'clock; Hen. Sullivan and
Joe Paul and us all went out together; the
Sullivans were there when we got there;
I fix the date by John telling me it was his
wife's birthday and we would go; and
have a little fun; we seen in the paper the
first of the week about the McClellandtown
gang being at Yoder's; it was supposed to be
that gang; I don't know anything about
Decatur Tasker at the time; he had left
home some time before.

Cross-examined—I am Tasker's step-father;
it seems it was talked that the portion
that are here, some of them, were the
McClellandtown gang; Tasker had lived right
close to me; the Sullivans are second cousins
of mine; I am not related to Lewis; I am ac-
quainted with Hill; he was over there; he
came on the 13th; I am well acquainted
with Mrs. Hill; we were drinking together
on the cars coming over; and Paul and me
had little liquor; had right nice time at Din-
smore's that night; I live half a mile from
Cool Spring Hollow; only lately I heard that
was headquarters of the McClellandtown
gang; it was in the papers; I know it was
the 13th by my working at that time on the
road and setting down the time.

Henry Sullivan—I live in Fayette county,
near Uniontown; I know Jack and Marshall
Sullivan; I work at Uniontown and board
out at Beason's Works; I came out there on
Saturday and stayed over Sunday; I went
home on the 13th and came across Peter
Gooseman, Joseph Paul and John Sullivan;
on the road John said it was his wife's birth-
day; I was just going out to my father's and
didn't intend going further; he told me that
and I went up to his house with the boys;
that was Saturday, the 13th of April; when
I went up to Dinsmore's I found Jack and
Marshall Sullivan there, and the fact that I
hadn't seen Jack for some time before in the
reason I recognize the day; I saw Wm Hill
on Sunday but didn't see Tasker.

Cross-examined—I am brother of these
defendants; my father lives at Beason's
Works; Marsh Sullivan lives near Markleys-
burg; Jack lives near where my father lives;
Markleysburg is eighteen or twenty miles
from there; we were drinking in Union-
town; I staid at Dinsmore's till Monday
evening and was with Jack and Marshall
all the time; Dinsmore is a brother-in-law of
mine; he's married to my sister; I am learn-
ing the moulding trade; know nothing
about the McClellandtown gang; I heard of
the gang, but I didn't know who they were;
I have heard these parties named as being
the ones; I was named myself at first as be-
longing to the gang; I was arrested once;
an old man hired us to rob him and paid us
for it; he hired us to rob himself and paid
us for the job, but he got the bootie; he
paid us \$200 each; he was supposed to have
\$2700 of the company's money and he was
paymaster; I was sent to the penitentiary
for it for six years and a half.

Gen. Koontz asked the witness who was
arrested with him, but the defense objected
and the question was not pressed. It trans-
pired afterwards that it was his brother
Jack, one of the defendants.

Re-direct—I was 17 years old when sent to
the penitentiary.

H. J. Engle—I live in Ellick township
and know Grant Dean.

[At this point General Koontz stated that
the Commonwealth deemed it unnecessary
to undertake to prove an alibi as to Grant
Dean and Wm. Hill because the theory of
the Commonwealth is that they were only
accessories before the fact and must neces-
sarily have been absent.]

I know Grant Dean; on the 13th of April
he was at Henry Opel's; I couldn't tell you
what time he got there; he left me close to
St. Paul's church; he told me he was going
to Opel's,—objected to.

I know his reputation for honesty; it was
good before this occurred.

Cross-examined—I don't know of my own
knowledge that he was at Opel's; known
him over two years; heard a great many
speak about him since the trial and before;
I lived within about a half mile of him; he
is married to my niece; his lady told me
they were married; St. Paul's church is
about two miles from Yoder's.

John Lentz recalled—I know the neigh-
borhood in which Grant Dean lived; he